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January 16, 2008

**VIA FAX**

Hon. Charles Brieant  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Room 633  
White Plains, New York 10601-4150

Re: Home Depot USA, Inc. v. Chubb & Federal Ins. Co.  
Civil Action No. 07CV3502  
Our File No.: 06607.00015

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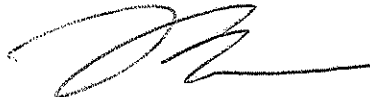
Dear Judge Brieant:

Our firm represents the defendants in the above referenced declaratory judgment action. A settlement has been reached among the parties. Following this correspondence is an executed Stipulation of Dismissal to be So Ordered by Your Honor.

Naturally, if Your Honor requires additional information regarding this case, please contact the undersigned.

Respectfully submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP



Thomas M. DeMicco

cc:  
Natalie Lefkowitz, Esq.  
Herzfeld & Rubin, PC  
40 Wall Street  
New York, NY 10005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x 07 CV 3502  
HOME DEPOT, U.S.A., INC., :

Plaintiff, :

- against - :

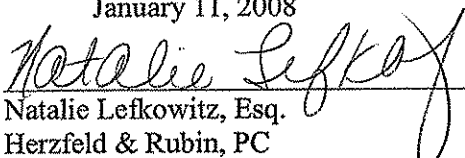
CHUBB GROUP OF INSURANCE COMPANIES and :  
FEDERAL INSURANCE COMPANY, :

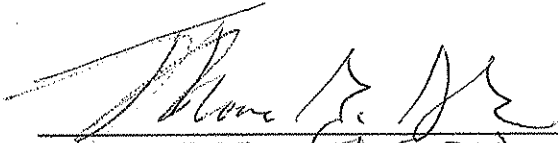
Defendants. :  
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STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action that have appeared, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action is hereby dismissed with prejudice against the defendants, without costs to either party as against the other. This stipulation may be filed in counterparts and may be filed without further notice with the Clerk of the Court.

Dated: White Plains, New York  
January 11, 2008

  
Natalie Lefkowitz, Esq.  
Herzfeld & Rubin, PC  
40 Wall Street  
New York, NY 10005  
Counsel for Defendant Home Depot

  
Thomas M. DeMicco  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
Attorneys for DEFENDANTS  
3 Gannett Drive  
White Plains, New York 10604

SO ORDERED:

\_\_\_\_\_  
HON. CHARLES BRIEANT  
U.S. DISTRICT JUDGE